



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Maria Frescas, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 645685

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached is the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

AMB:vc

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Maria Frescas, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 645685 in the amount of \$475,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works' budget.

This dangerous condition lawsuit against the Department of Public Works arises from injuries sustained in a fatal vehicle accident in an unincorporated area of the County.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Frescas, Maria, Individually and As Successor-In-Interest to Salinas, Kristine Ashley, et al. vs County of Los Angeles, et al.
CASE NUMBER	BC645685
COURT	Los Angeles Superior Court
DATE FILED	January 5, 2017
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 475,000
ATTORNEY FOR PLAINTIFF	Jason P. Fowler Parris Law Firm
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	This case involves a fatality vehicle collision that occurred on January 14, 2016, when a Hyundai Genesis driven by Peter James Covert traveling on southbound Grand Avenue broadsided the Honda Civic driven by decedent Kristine Ashley Salinas. Ms. Salinas was making a left turn from Cortez Street onto northbound Grand Avenue. Ms. Salinas died at the accident scene. The intersection is located in the unincorporated area of the County. Plaintiffs are decedent's mother and father, and each claims to have suffered damages as a result of the accident and their daughter's death. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 136,528
PAID COSTS, TO DATE	\$ 25,528



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the 'claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	January 14, 2016
Briefly provide a description of the incident/event:	On January 14, 2016 at 6:00 p.m., 20-year-old Kristine Ashley Salinas and passenger Jazzlyn Sandoval were traveling eastbound on Cortez Street when Ms. Salinas attempted to make a left turn to travel northbound on Grand Avenue and was struck by Defendant Peter James Covert who was traveling southbound on Grand Avenue. As a result, Ms. Salinas sustained fatal injuries and Ms. Sandoval sustained severe injuries.

1. Briefly describe the root cause(s) of the claim/lawsuit:

According to the Traffic Collision Report, the collision occurred due to Peter James Covert's negligence in the operation of his vehicle by driving without due care and at an unsafe speed. The Multidisciplinary Accident Investigation Report indicated Mr. Covert was driving approximately 84 mph immediately before the collision (the posted prima facie speed on Grand Avenue is 45 mph). Additionally, Mr. Covert admitted to looking down at his cell phone to determine why his Bluetooth had stopped. When Mr. Covert looked up, he saw Ms. Salinas' vehicle making a left turn in front of him and was unable to stop in time, thus colliding into Ms. Salinas' vehicle.

Mr. Covert plead no contest to a violation of Penal Code section 192(c)(1); vehicular manslaughter, a felony, and to a violation of Vehicle Code Sections 23103, (a) and 23105, reckless driving causing serious injury, a misdemeanor. The Court found Mr. Covert guilty for both counts and he was sentenced to one year in Pomona County Jail and 5 years of formal probation.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- Install a custom W1-10 sign (T-Intersection ahead) on the west side of Grand Avenue, 175 feet north of Cortez Street.
- Install a custom W1-10 sign (T-Intersection ahead) on the east side of Grand Avenue, 175 feet south of Cortez Street.
- Install W13-1P(40) advisory speed plaque on the west side of Grand Avenue, 175 feet north of Cortez Street
- Install W13-1P(40) advisory speed plaque on the west side of Grand Avenue, 175 feet north of Cortez Street
- The signs were installed on May 9, 2019.

3 Are the corrective actions addressing department-wide system issues?

- ☐ Yes - The corrective actions address department-wide system issues.
☒ No - The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)
Michael J. Hays

Signature:

M J Hays

Date:

8/19/2020

for Name: (Department Head)
Mark Pestrella

Signature

Mark Pestrella

Date:

8/27/20

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.
☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Robert Chavez

Signature

Robert Chavez

Date:

8/20/20

MH:psr

Path: opub:RISK MGMT:Claims & Lit/FRESCAS SCAP (1)